IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 370 OF 2003

WITH

CRIMINAL REVISION APPLICATION NO. 371 OF 2003

Mr. Roopchand Sheshmal Jain ... Applicant

versus

Mr. Nirmal Uttamchand Jain

and another, etc. ... Respondents

...

Mr. Girish Kulkarni, Mr. Katil Khan and Mr. Hemant Vadke, for the Applicant.

Mr. P.B. Shah, for Respondent No. 1.

Mr. K.V. Saste, A.P.P., for the Respondent State.

...

CORAM : A.M.KHANWILKAR,J.

20th December 2004

P.C.:

. Heard Counsel for the parties. Rule. Rule made returnable forthwith by consent. Mr. Shah waives notice for Respondent No. 1. Mr. Saste, A.P.P., waives notice for the Respondent State. As short question is involved, both these

revision applications taken up for final disposal forthwith by consent.

. Respondent No. 1 initiated criminal action against the Applicant for offence punishable under section 138 of the Negotiable Instruments Act. That case ended in conviction of the Applicant and the Applicant was sentenced to undergo R.I. for a period of one year and to pay fine of Rs.90,000/-. The Applicant carried the matter in appeal before the Sessions Court, which has also been dismissed. During the pendency of the present revision application, however, the parties have amicably settled the matter on the understanding that if the Applicant deposits total sum of Rs.3,60,000/- to be apportioned in two matters, which were instituted against the Applicant and if the Respondent No. 1 Complainant was permitted to withdraw the said amount, the Respondent No. 1 will not pursue the matter against the Applicant and the Applicant can be let off on the basis of sentence already suffered by him with regard to the conviction recorded by the lower Courts.

. In the circumstances, these revision

applications are allowed. The sentence awarded by the lower Court is reduced to the one already undergone by the Applicant, which, I am told, is for three days in the respective cases. The amount deposited by the Applicant before the lower Court as well as this Court will be made over to the Respondent No. 1. In other words, the total sum of Rs.3,60,000/- (Rs. 1,80,000/- deposited in the lower Court and Rs.1,80,000/- in this Court) to be made over to the Respondent No. 1. Ordered accordingly.

(A.M.KHANWILKAR,J.)